

UNITED STATES BANKRUPTCY COURT
DISTRICT OF RHODE ISLAND

IN RE: JUAN PIMENTEL

BK NO.: 1: 08-bk-12960

JUAN PIMENTEL :

VS. : AP NO.: 1:10-ap-01013

DEUTSCHE BANK NATIONAL :
TRUST COMPANY AS TRUSTEE :
FOR THE HOLDERS OF IXIS :
REAL ESTATE CAPITAL TRUST :
2005-HE3 MORTGAGE PASS- :
THROUGH CERTIFICATES, :
SERIES-HE3, ALIAS AND BAC :
HOME LOANS SERVICING, LP, :
ALIAS :

MOTION FOR VOLUNTARY DISMISSAL

Plaintiff, by his Attorney, moves this Court for a Voluntary Dismissal of this case without prejudice for the following reasons:

1. The underlining Bankruptcy case has been dismissed. As a result the Court no longer has any jurisdiction in this matter.
2. The Plaintiff agreed in the Bankruptcy case to dismiss this action.
3. The attorney for the Defendant consents to this Motion.

WHEREFORE, Plaintiff moves to voluntarily dismiss this case without prejudice.

JUAN PIMENTEL
By his Attorney

May 1, 2010

/s/John B. Ennis
JOHN B. ENNIS, ESQ. #2135
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ASSENTED TO:

/s/David M. Rosen
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WITHIN FOURTEEN (14) DAYS AFTER SERVICE AS EVIDENCED BY THE CERTIFICATION (TWENTY (20) DAYS FOR U.S. GOVERNMENT OFFICERS PURSUANT TO FED. R. BANK. P. 9006(f) IF YOU WERE SERVED BY MAIL, ANY PARTY AGAINST WHOM THIS PAPER HAS BEEN SERVED OR ANY OTHER PARTY TO THE ACTION WHO OBJECTS TO THE RELIEF SOUGHT HEREIN, SHALL SERVE AND FILE AN OBJECTION OR OTHER APPROPRIATE RESPONSE TO THIS PAPER WITH THE BANKRUPTCY COURT CLERK'S OFFICE, 380 WESTMINSTER MALL, 6TH FLOOR, PROVIDENCE, RI 02903, (401) 626-3100. IF NO OBJECTION OR OTHER RESPONSE IS TIMELY FILED WITHIN THE TIME ALLOWED HEREIN, THE PAPER WILL BE DEEMED UNOPPOSED AND WILL BE GRANTED, UNLESS (1) THE REQUESTED RELIEF IS FORBIDDEN BY LAW; (2) THE REQUESTED RELIED IS AGAINST PUBLIC POLICY; (3) IN THE OPINION OF THE COURT, THE INTEREST OF JUSTICE REQUIRES OTHERWISE.

CERTIFICATION

I hereby certify that I electronically transmitted or mailed a copy of the above Motion for Voluntary Dismissal to the following on this 1st day of May, 2010.

John Boyajian, Esq.
182 Waterman Street
Providence, RI 02906

Office of the U.S. Trustee
10 Dorrance Street
Room 519
Providence, RI 02903

/s/ John B. Ennis, Esq.